

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

GLENN T. JONES, SR.; MARSHA )  
JONES, his wife, )  
Plaintiffs )  
vs. ) Civil Action No. 09-819  
PENNY FORECLOSURES, LLC; PENNY )  
FORECLOSURES, II, LLC; DOME )  
PROPERTIES, LLC; CARLOS DE )  
OLIVEIRA and WENDY DE OLIVEIRA, )  
his wife, ) Chief Magistrate Judge Amy Reynolds Hay  
Defendants )

**ORDER**

AND NOW, this 5th day of February, 2010, it is hereby ORDERED that the Defendants' Motion to Dismiss [Doc. 19] the Amended Complaint pursuant to Fed. R. Civ. P. 12(b)(7) for failure to join a necessary party is DENIED.

It is also ORDERED that the Defendants' Motion to Dismiss [Doc.19] the Amended Complaint pursuant to Fed. R. Civ. P. 12(b)(6) for failure to state a claim is GRANTED as to Counts I and IV of the Amended Complaint, and DENIED as to Counts III and IV.

By the Court,  
/s/ Amy Reynolds Hay  
Chief United States Magistrate Judge

cc: Counsel of Record via CM-ECF